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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,103	10/29/2003	Karl Paul Kroetsch	DP-310502	6609
22851	7590	06/01/2005	EXAMINER	
DELPHI TECHNOLOGIES, INC.			WALBERG, TERESA J	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			3753	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/696,103

Applicant(s)

KROETSCH ET AL.

Examiner

Teresa J. Walberg

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/29/03</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 10-14, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamich et al (2004/0069468).

Lamich et al disclose a heat exchanger assembly and method of making including a core with fins and tubes (see Fig. 3) extending from opposite ends between opposite side thereof, first and second tanks at opposite ends of the core, a plurality of tank caps (48) closing the open ends of the tanks, a reinforcement member (50) integrally connected to each of the tank caps (48) by an integral connection portion (52), with the reinforcement members extending along the sides of the core and spaced from one another along the sides of the core, the core being devoid of reinforcement between the reinforcement members, reinforcing flanges (56) extending upwardly from the edges of the reinforcement members (50) and terminating short of the connection portion (52), the connection portion (52) being narrower (see Figs. 15a) than the tank cap (48), and including reverse bends (Fig. 15e) and notches (15a), and the

reinforcement members (50) being in direct engagement with the fins of the core (26, see Fig. 3)..

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamich et al (2004/0069468) in view of Pinto (6,478,080).

Lamich et al disclose a heat exchanger assembly and method of making as claimed with the exception of the flanges having openings which attach to anchors. Pinto teaches providing openings (34) in the flanges of heat exchangers for connection to support fasteners. It would have been obvious in view of Pinto to provide support holes in the flanges of Lamich et al, the motivation being to enable securely supporting the assembly.

5. Claims 2, 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamich et al (2004/0069468) in view of Ozaki et al (6,357,519).

Lamich et al disclose a heat exchanger assembly and method of making as claimed with the exception of the assembly being brazed together and the tank cap engaging the interior of the tank. Ozaki et al teach securing a heat

exchanger together by brazing and using a tank cap which engages the interior of the tank. It would have been obvious in view of Ozaki et al to securing the heat exchanger of Lamich et al together by brazing to more securely hold it together and to use a tank cap which engages the interior of the tank, the motivation being to more securely seal the tank.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shinmura, Ando, Matsuura, Park et al, Kado, Sugimoto, Ghiani, and Makino et al are cited to show heat exchanger structure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3753

A handwritten signature in black ink, reading "Teresa J. Walberg". The signature is fluid and cursive, with the first name "Teresa" and last name "Walberg" clearly distinguishable.

Teresa J. Walberg  
Primary Examiner  
Art Unit 3753

tjw